

September 3, 2024

BY ECF

Hon. Paul G. Engelmayer
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

United States v. Gerson Morales-Plumei, 23 Cr. 582 (PAE)

Dear Judge Engelmayer:

I respectfully write to request that the Court direct the Probation Department and the Government to produce to undersigned counsel any discovery in their possession, custody, or control in support of the 15 specifications for the violation of supervised release that are alleged against Mr. Morales-Plumei in the Probation Department's Amended Violation Report dated July 16, 2024 (the "Amended Violation Report").

On August 2, 2024, Mr. Morales-Plumei appeared before the Court for a conference with respect to the Amended Violation Report. The Report specifies 15 alleged violations of supervised release against Mr. Morales-Plumei. I have not yet received any discovery relating to any of the specifications. I believe that I need to have access to the discovery supporting the specifications in order to intelligently discuss Mr. Morales-Plumei's options with him.

My understanding from the Probation Department is that it will not produce any discovery without a Court order directing it to do so. In order to ensure that I can consult with Mr. Morales-Plumei in an informed way in this case, I respectfully ask that the Court direct the Probation Department to produce to me, or to the Government for production to me, any and all discovery materials in its possession, custody, or control that it relied on in bringing the specifications or that it believes may be introduced into evidence at a hearing to prove the specifications, in the event that any hearing were to occur. To the extent the Government, separate from the Probation Department, is in possession, custody, or control of such materials, I ask that the same requirement be imposed on them.

In light of the September 19, 2024 date for the next conference in this case, I believe it would be helpful if discovery were produced to me by September 10, 2024.

MAX
NICHOLAS LLC

For the avoidance of doubt, I am not requesting discovery because Mr. Morales-Plumei has made a decision to contest the specifications at a hearing; rather, I am making this request in order to ensure that I can consult with him about his options in an informed way.

I thank the Court for considering this request.

Respectfully submitted,

/s/ Max Nicholas

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GRANTED. The Clerk of Court is requested to terminate the motion at Dkt. No. 6.

9/3/2024

SO ORDERED.

Paul A. Engelmayer

PAUL A. ENGELMAYER
United States District Judge